

Chapter PW-CY 40

CHILDREN AND YOUTH

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PW-CY 40.01 Definitions. (1) **DAY CARE CENTER** means a facility where a person or persons provide, for compensation and/or consideration for service, group care for 4 or more children under 7 years of age, for less than 24 hours a day.

(2) **DEPARTMENT** means the Wisconsin State Department of Public Welfare.

(3) **DIVISION** means the Wisconsin State Division for Children and Youth.

History: 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.02 Licensing. (1) **LICENSE REQUIREMENTS.** Day care centers providing group care for 4 or more children under 7 years of age and operating for compensation and/or consideration for services must be licensed.

(2) **LICENSE PROCEDURES.** (a) A non-transferable license shall be secured annually from the department, upon appropriate application and compliance with these rules and standards. This license shall be prominently displayed at the center.

(b) Each license shall bear the name of the center, the name of the person licensed and a description of the premises.

(c) The number of children specified on the license is the maximum number to be received or to be cared for at one time.

(d) There is no fee charged for the license.

(3) TYPES OF DAY CARE CENTER LICENSES. The type of license issued indicates the professional training of the staff and the adult-child ratio. (a) Nursery school is a center which has at least one teacher certified by the department of public instruction, and has one nursery school teacher for every 25 children.

(b) Nursery center is a center which meets the rules and standards for a day care center but does not have the minimum of certified teachers per group of children.

(4) LICENSING EXEMPTIONS. No license is required for a person or persons who provide: (a) Care for children in the child's own home and/or in the homes of relatives or guardians.

(b) Care in centers conducted by public and parochial schools.

(c) Care given to children on church premises while their parents are attending religious services.

(5) APPLICATION FOR LICENSE. An application for a license, which shall be made in writing to the department, shall include: (a) A statement from the state industrial commission or local building inspector showing approval of the premises for the use intended.

(b) A statement of the purpose of the day care center.

(c) A description of the program and activities designed to carry out the purposes.

(d) A floor plan of all of the rooms and outdoor play area.

(e) A completed application form.

(6) RENEWAL OF LICENSE. Application for a renewal of a license shall be made:

(a) Each year in writing to the department on specified forms.

(b) Whenever there is a change in the conditions described on the last license issued.

(7) EVALUATION. (a) A representative of the department shall visit and study each day care center before the initial licensing and each subsequent renewal. The representative shall submit to the department a written evaluation indicating whether the required rules and standards have been met. He may visit any time to assure continued compliance.

(b) Each center shall have the continued supervision and consultation of the department and shall submit required reports.

(c) The department at its discretion shall have the authority to make exceptions to any rule or standard when it is assured that the granting of such an exception will not be detrimental to the children attending the center.

(8) PROVISIONAL LICENSES. A provisional license may be issued and renewed in 6 month periods up to 2 years to any center whose services are needed, but is temporarily unable to conform to all established minimum requirements.

(9) REVOCATION OF LICENSE. (a) The right to operate is dependent upon continued compliance with required rules and standards.

(b) The license may be revoked in accordance with subsections 48.71 (1) and (2), Wis. Stats., and with Wis. Adm. Code section PW-CY 40.02 dealing with license procedures.

(10) **APPEAL PROCEDURE.** (a) Any person aggrieved by the department's refusal or failure to issue or renew a license, or by its revocation of a license has the right to an administrative hearing provided for contested cases in chapter 227, Wis. Stats.

(b) Judicial review of the department's decision may be had as provided in chapter 227, Wis. Stats.

(11) **ALLEGED VIOLATIONS.** (a) Whenever the department has reason to believe that any person is violating any of the provisions of sections 48.60, 48.62, or 48.65, Wis. Stats., it shall have authority to inspect the premises where the violation is alleged to occur and shall make an investigation to determine the facts and prosecute under section 48.76, Wis. Stats., if indicated.

(b) The department may either revoke the license and/or institute prosecution.

History: 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

Note: Personnel and program standards. A day care center is of importance in the community and, therefore, program standards are established to assure parents, the child, and the community that a wholesome and proper service is provided.

Warm, understanding personnel, with knowledge and training in child development, can create an environment which will enhance the educational, physical, and social development of the individual child. Close cooperation with parents can promote unity in caring for the child and an understanding of the stresses and strains he may be undergoing because of his separation from home. Close cooperation between the day care center and other community forces (such as family and child welfare agencies, child guidance clinics, health departments, and public health nurses) will contribute to the best interests of the child.

The quality of program and equipment in every type of day care center affects the well-being of each child enrolled. The program should have a positive influence in helping to develop healthy, happy, well-adjusted children. Children learn through their play experiences—sometimes by imitating adults, sometimes through experimenting with materials. Sufficient toys and play materials are needed so that the child may have many enriching experiences at the center. Adequately furnished premises help produce pleasant surroundings.

Specific aspects of day care are described under the headings: Personnel, Educational Program, Health, Records and Reports, Equipment, Physical Plant, Sanitation, Finances and Insurance. Under these headings are the required and recommended standards which will promote wholesome growth and protect the children enrolled in day care centers.

PW-CY 40.03 Personnel standards. (1) **PERSON IN CHARGE.** (a) *Required standard.* An administrator or director shall be in charge of the day care center, shall be at least 21 years of age and demonstrate a supervisory and administrative ability. In the absence of this person, there shall be a qualified substitute.

(b) *Recommended standards.* The administrator or director should have:

1. Professional background and be familiar with current thinking and development in early childhood education.
2. Experience in working with young children and parents.

(2) **ALL PERSONNEL.** (a) *Required standard.* All personnel shall be emotionally and physically able to perform assigned duties.

(b) *Recommended standards.* 1. All those employed in day care centers should have a genuine interest in and a warm feeling for children. They should have a sympathetic, intelligent understanding of the needs of children and their development. They should have an even temperament and a sense of humor in order to help create an atmosphere of security and happiness in the center.

2. It is desirable there be both men and women on the staff.

(3) NUMBER OF STAFF. (a) *Required standards.* 1. There shall be at least 2 adults available at any center so that children are never left unattended.

2. The ratio of group of children to child care staff shall not exceed:

- a. Two to three year olds _____ 8 children to 1 adult
- b. Three to four year olds _____ 10 children to 1 adult
- c. Four to five year olds _____ 12 children to 1 adult
- d. Five years and over _____ 16 children to 1 adult

(4) DUTIES AND QUALIFICATIONS OF STAFF. Note: Whether the center has a small or large staff, the following duties and qualifications are essential for efficient operation to safeguard the best interest of children. (a) *Child care staff.* 1. Required standards. a. Those working directly with the children shall have at least a high school education or its equivalent as determined by the extension division of the university of Wisconsin.

b. In order to be designated as nursery school teachers and kindergarten teachers, staff members shall be certified as such by the department of public instruction.

2. Recommended standards. a. Staff should be composed of mature persons trained in early childhood education and have special understanding of the needs of children.

b. Staff members should acquaint themselves with current trends and techniques in early childhood education through acceptable training courses and programs taken at least once every five years.

c. Each staff member should be able to establish wholesome adult-child relationships and possess the capacity for pleasant cooperative relationships with other adults.

(b) *Volunteers.* 1. Required standard. When volunteers are used, they shall work only under supervision of the child care staff.

2. Recommended standards. a. Volunteers should be selected on the basis of natural aptitudes as well as training.

b. Volunteers should be able to give a definite amount of time at regular periods including in-service training.

(c) *Other staff members.* 1. Recommended standards. a. Cooks. Cooks should be dependable and adaptable and capable of preparing palatable, nutritionally adequate menus for young children, using approved methods of food preparation.

b. Maintenance and housekeeping. Care should be taken to select persons who like young children.

(d) *Special personnel.* 1. Recommended standards. a. The use of specialized consultants, in addition to the regular staff members, has been found to be helpful in the operation of the day care center.

b. Nurse. A registered nurse with public health training would be helpful in assisting with the health program, but she should have experience, training, and the personality to work with young children.

c. Physician. A physician should be available for emergencies and for consultation.

(e) *Other services.* It is desirable if services can be arranged with a casework agency for work with individual parents or consultation with staff; a psychologist for counselling with the staff; a social group worker to work with school age children and a nutritionist or dietician for counselling on meal planning and food preparation.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.04 Educational program standards.

Note: Because education includes all experiences, every day care center has an obligation to provide the best possible kind of education. The curriculum and all the experiences, both of the nursery school and nursery center, should meet the needs and interests of the children, the parents, and the community.

(1) PROGRAM. (a) *Required standard.* There shall be a planned program appropriate for the age of the children.

(b) *Recommended standards.* A day care center should contribute to the education of young children by: 1. Encouraging desirable health habits and attitudes;

2. Providing appropriate space, supplying varied and challenging equipment and plan materials, and helping children to learn to care for such equipment and materials and to use them creatively and constructively;

3. Fostering intellectual interest and abilities through opportunities to explore, investigate and experiment, to make and carry out plans, to work out solutions to problems, to develop competence and to find satisfaction in work and achievement;

4. Developing enjoyment of music, art, and literature;

5. Furthering emotional stability in an atmosphere where children feel accepted and understood; where they are helped to achieve a healthy balance between emotional expression and emotional control;

6. Creating a friendly social atmosphere in which attitudes that are essential to living in a democracy are encouraged; strengthening self-respect and self-confidence and at the same time building respect for and consideration of others;

7. Sharing with parents the aims and activities of the day care center, and planning individual conferences and group meetings with the parents; and

8. Helping the child further relationships with adults who are warm, friendly, and able to provide the security of understanding and firm discipline.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.05 Health standards. (1) STATE AND LOCAL REGULATIONS.

(a) *Required standard.* Written health policy. Every day care center shall have a written plan indicating specific policies and procedures that will insure health protection for all. This written plan shall be consistent with state and local health regulations.

(2) STAFF (Paid and volunteer workers). (a) *Required Standards.*

1. Physical examinations. a. Workers, prior to employment and annually thereafter, shall submit to the center administrator a certificate from a licensed physician indicating freedom from illness detrimental to children. The certificate shall be based on a physical examination which includes a negative PPD skin test or a chest X-Ray and if required by a local health regulation, a negative serological test. The worker shall also submit evidence of vaccination for smallpox within the last 5 years.

b. Medical certificates shall be kept on file in the center.

2. Exclusion. Staff members when ill, including such conditions as diarrhea, upper respiratory infections and skin lesions, shall be excluded from the center.

(b) *Recommended standard.* Employment of pregnant staff members and volunteers should be terminated when they are unable to perform their duties.

(3) CHILDREN. (a) *Required standards.* 1. Physical examination. a. Before admission and annually thereafter, a report by a licensed physician shall be submitted to the administrator of the center certifying that each child is able to participate in day care activities and is free from communicable diseases, including tuberculosis and other conditions hazardous to the welfare of other children; providing dates of immunization and vaccinations and indicating any known allergies.

b. It shall be the duty of the person in charge to require another physical examination before allowing the child to continue in attendance should there be reason to suspect the later development of any condition hazardous to the child or others.

c. Reports of physical examinations shall be kept on file in the center.

(b) *Recommended standards.* 1. Each child should have a complete dental examination before admission and a repeat examination semi-annually by his family dentist. Each child should be immunized against smallpox, diphtheria, polio and tetanus and such immunizations should be started before admission to the center. Parents should be encouraged to have remedial problems, including dental care, corrected promptly.

2. The center should obtain a statement from the parents that, to their knowledge, the child has not been in contact with a contagious disease during the 2 weeks prior to admission.

(4) MORNING HEALTH INSPECTIONS. (a) *Required Standard.* Morning health inspection of each child on arrival at the center shall be made by a person capable of recognizing common signs of communicable disease or other evidence of ill health.

(b) *Recommended standard.* Health inspections should be made in the presence of the parent or his representative, whenever possible, and parents should be alerted to the importance of observing children daily for signs of illness before they leave home.

(5) TEMPORARY ISOLATION. EXCLUSION AND EMERGENCY CARE. (a) *Required standards.* 1. Temporary isolation shall be within sight and hearing of an adult and shall be provided for children with a cold, sore throat, inflammation of the eyes, fever, lice, rash, vomiting, diarrhea or other illnesses or conditions. Such temporary isolation shall be pending exclusion of the child from the center.

2. Parents or some responsible person, when parents cannot be reached, shall be contacted as soon as possible after illness is discovered. Arrangements shall be made for the exclusion of the child from the center.

3. Written permission from the parents to call the family physician or refer a child for medical care in case of an accident or emergency shall be on file in the center. This permission shall be used only when the parent or some responsible person cannot be reached within a reasonable time.

4. When a child is suspected of having a communicable disease (i.e. chicken-pox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, ringworm of the scalp, scarlet fever and whooping cough, diphtheria and meningitis), the local health officer must also be notified.

5. When a positive diagnosis of a communicable disease is made, the families of exposed children shall be notified by the center and such children shall be watched for symptoms of the disease.

(b) *Recommended standard.* Staff should be continually alert for any symptoms of illness.

(6) FIRST AID. (a) *Required standards.* 1. Every center shall have a supply of rolled bandages, tape, and bandaids.

2. Superficial wounds shall be cleansed with soap and water and protected.

(b) *Recommended standards.* 1. First aid care should be provided by the staff nurse, when one is employed, or by a regular staff member having the equivalent of Red Cross first aid training.

2. Suggested items for an adequate first aid kit can be found on page 5, School Health Emergencies pamphlet, State Board of Health.

(7) WEIGHING AND MEASURING. (a) *Recommended standard.* Height and weight measurements should be entered on the physical examination form. Thereafter, children should be weighed and measured every three months and entries should be made on the child's health card. Failure to gain in weight and height for two successive periods should be an indication of a need for a medical examination.

(8) REST PERIODS. (a) *Required standards.* 1. When a session is more than 4 hours in length, the nap period shall be one hour or longer for all children under 5 years of age.

2. There shall be a mid-session quiet period for children who attend for less than 4 hours.

(9) MEDICATION. (a) *Required standard.* While at the center no prescribed medication shall be given to a child, except by a physician or registered nurse, nor shall a child be permitted to take such medication.

(10) PROVISION OF FOOD. (a) *Required standards.* 1. When a session is more than 4 hours, children shall be served a regular meal, which shall supply at least one-third of the daily food needs.

2. When there is a 3 to 4 hour session, a simple mid-session snack, such as fruit juice, shall be provided.

(b) *Recommended standard.* Menus should be made available to parents in order that they may adjust the child's diet at home to adequately meet the daily food needs.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.06 Administration standards. (1) RECORDS AND REPORTS.

(a) *Required standards.* 1. All published statements such as brochures, publicity, etc. shall be accurate and complete.

2. Required records shall be readily available.

(2) CHILDREN'S RECORDS. (a) *Required standard.* Current information shall be maintained on each child attending the center and shall include:

1. Name, birth date, full names of both parents or guardians.

2. Home address of parents, work addresses, and telephone number of parents.

3. Name, address, and telephone number of physician caring for the child.

4. Name, address, and telephone number of person to be notified in case of emergency, when parents cannot be reached.
5. Written consent of parent to contact family or center physician in case of emergency.
6. Record of all physical examinations, first aid, and any other matters relating to the child's health.
7. Date child enters and leaves the center.
8. Record of daily attendance of each child.

(3) **PERSONNEL RECORDS.** (a) *Required standards.* 1. There shall be maintained a record for each employe, which shall include: name, address, age, training, education, experience, and other qualifications.

2. Report of physical examination at time of employment and subsequent annual examinations.

3. Persons to be notified in the event of an emergency.

4. Personnel forms and character references on all staff members shall be made available upon request.

(4) **PERSONNEL PRACTICES.** (a) *Recommended standards.* 1. A periodic written evaluation of each employe by his supervisor is desirable.

2. There should be a written statement on file at the center of personnel practices and policies, which should include hours of work, vacation, sick leave, leave of absence, and salary schedules. In addition, there should be channels for complaints and suggestions.

(5) **STATISTICS.** (a) *Required standard.* Centers shall submit the statistical report required by the department.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.07 Equipment standards. (1) **PLAY EQUIPMENT.** (a) *Required standards.* 1. There shall be equipment to meet the varied developmental needs and interests of children of different age groups.

2. There shall be equipment outdoors and indoors to assure variety in active physical play and creative learning experience for the children attending the center.

3. There shall be equipment for climbing, swinging, sliding, riding, pushing, and pulling, and material such as sand, in which to explore and dig, large building blocks and building toys, creative materials for art, music, literature, science, woodworking and manipulative toys.

(2) **FURNISHINGS.** (a) *Required standards.* 1. Tables and chairs shall be of suitable size for children.

2. There shall be low, open shelves for the storage of play materials.

3. There shall be sufficient work space for children.

4. There shall be individual space for children's clothing. This space may be provided by such things as lockers and/or low hooks.

5. All furnishings and equipment shall be durable and safely constructed so that there are no sharp, rough, loose, or pointed edges which could injure children.

History: 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.08 Physical plant standards. (1) **BUILDING.** (a) *Required standards.* 1. Day care centers shall be in conformity with Wis. Adm. Code, chapter 57 (Industrial Commission Building Code).

2. There shall be an inspection of each building by the industrial commission or local building inspector to determine compliance with

local and state regulations. The inspector will file with the department a written statement of conformity with all local regulations as regards safety and fire protection.

3. All electrical work shall conform to the Wisconsin state electrical code, of the State Industrial Commission. All electrical work shall be inspected periodically.

4. No day care center may be located in a convalescent or maternity home or in a rooming house or boarding house for adults.

5. Only floors having at least 2 exits to the ground level shall be used for children.

6. If a third floor of a non-fire resistive building is used, all stairways shall be enclosed with one-hour fire resistive partitions and doors.

7. All stairways shall be equipped with railings suitable for the use of children; stairways and corridors shall be kept clear and unobstructed at all times.

8. Basement rooms, which comply with inspection, may be used for children only for active play.

9. The heating plant shall conform with Wis. Adm. Code, chapter 58, Wisconsin Heating, Ventilation and Air Conditioning code.

10. Space designated for use by the children shall be available for the children only and not used for other purposes while the center is open.

(b) *Recommended standard.* First floor rooms are most desirable for all activities in day care centers.

(2) LIGHTING. (a) *Required standard.* There shall be a minimum of 20 foot candles of illumination throughout every room as measured on a light meter maintained on a horizontal plane 24" above the floor.

(3) VENTILATION. (a) *Required standard.* There shall be either a ventilating system or outside windows, which conform to Wis. Adm. Code, chapter 58 of the Wisconsin Heating, Ventilating and Air Conditioning Code.

(4) ROOM TEMPERATURES. (a) *Required standard.* A temperature of not less than 68 degrees shall be maintained as measured 18 inches from the floor.

(5) PROTECTIVE MEASURES. (a) *Required standards.* 1. Fireplaces and steam radiators, shall be protected by screens or guards.

2. Dangerous items, such as drugs and firearms which are located anywhere on the premises, shall be under lock.

3. Materials harmful to children, such as cleaning materials and matches, shall be kept out of the reach of children.

4. Each floor of the day care center shall be equipped with the required number of fire extinguishers approved by the Underwriters' Laboratories. Automatic carbon tetrachloride extinguishers are prohibited.

5. Each extinguisher shall be inspected by a competent person once a year and shall bear a label indicating its present condition and the date of inspection.

6. The center shall have a telephone and an available list of emergency telephone numbers.

(6) PLAY SPACE. (a) *Required standards.* 1. Indoors, the space used by the children shall include 35 square feet of floor space per child,

exclusive of hallways, bathrooms, lockers, laundry and furnace rooms, and that part of the kitchen occupied by stationary equipment.

2. Outdoors, there shall be at least 75 square feet per child of safe play space.

3. The outdoor play space shall be enclosed in such a manner as to prevent the children from leaving the premises without proper supervision.

4. Outdoor play areas shall be well drained.

(b) *Recommended standards.* Part of the outdoor play space should have a hard surface. Provision should be made for shade in part of the play area.

(7) **SLEEPING FACILITIES.** (a) *Required standards.* 1. There shall be at least 35 square feet of floor space per child and not less than 280 cubic feet of air space in sleeping rooms.

2. If the center is in operation more than 4 hours a day, sleeping facilities shall be provided.

3. Individual cots or beds are required for children attending more than 4 hours.

4. Individual bedding, sufficient to maintain warmth, shall be provided either by the parents or by the center. Covers shall be laundered as needed and always upon change of occupancy.

5. Children shall not use beds of members of the household.

6. Rows of cots shall be separated by at least 2 feet. If there are not partitions between cots, head to toe sleeping arrangements shall be made.

7. Children may rest on rugs in half-day programs only. Each child shall have his own rug. Rugs shall be washed frequently.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.09 Sanitation standards. (1) **INSPECTION.** (a) *Recommended standard.* There should be an initial inspection of each building by the state board of health or the local health department. Provision should be made to insure continuing conformance to all state and local regulations with regard to sanitation, water supply, garbage, and sewage disposal.

(2) **DRINKING WATER.** (a) *Required standards.* 1. A supply of safe drinking water shall be readily available at all times from a drinking fountain of the angle jet type or by use of individual cups.

2. The water supply shall be of safe, sanitary quality and shall be obtained from a water supply system the location, construction, and operation of which shall comply with the standards approved by the state board of health.

(3) **MILK.** (a) *Required standard.* All milk used for drinking shall be certified as pasteurized Grade A.

(4) **WASHROOM AND TOILET FACILITIES.** (a) *Required standards.* 1. Toilets of the water flush type shall be used and connected with a sewage system which has been approved by the state board of health.

2. Separate places for each child's individual washcloth, towel, comb, and clothing (which are to be kept clean) are to be provided.

(b) *Recommended standards.* 1. One toilet and one wash basin should be provided for every 10 children under care.

2. The toilets and wash basins should be of a height and suitable size for children.

3. The floor of the toilet rooms should conform with the Wisconsin state building code.

4. The use of paper towels is recommended.

(5) **SCREENS.** (a) *Required standard.* Window and doorway openings shall be properly screened in season.

(6) **HOUSEKEEPING.** (a) *Required standard.* The premises shall be neat and clean.

(7) **REFRIGERATION.** (a) *Required standards.* 1. All perishable food and drink shall be stored in a refrigerator, which shall have a temperature maintained at or below 50 degrees Fahrenheit.

2. Perishable foods include milk and milk products, meat, fish, poultry, shell fish, eggs, gravies, poultry stuffing, salad and other mixtures containing any of the above foods.

(8) **FOOD PREPARATION FACILITIES.** (a) *Required standards.* 1. If food is served, facilities shall be provided for preparation, storage, and serving in a sanitary condition.

2. Dishes and utensils shall have smooth, hard surfaces, which are free from cracks, chips, and roughened areas.

3. The food preparation table surface shall be smooth, nonabsorbent and easily cleaned.

4. Eating and drinking utensils and all utensils used in food preparation, storage, and service shall be promptly and properly cleaned. Dishwashing procedure and care of equipment shall comply with state, local and county sanitation laws. In the absence of such laws, dishes and utensils shall be sterilized by scalding or chemicals, or disposable dishes are used. All utensils shall be stored in clean, dust-proof and vermin-proof cabinets that are tightly enclosed on all sides.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.10 Finances standards. (1) **FINANCES.** (a) *Required standard.* Each center shall have, and be able to show, a source of funds sufficient to insure continuous operation in accordance with the standards.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.11 Insurance standards. (1) **INSURANCE.** (a) *Required standard.* Each center shall carry workmen's compensation insurance in accordance with chapter 102, Wis. Stats., and comply with provisions of the federal social security act.

(b) *Recommended standard.* Each center should carry public liability insurance.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.12 Repeal of former standards and regulations. The Wisconsin day care standards and regulations No. 1.01 through 1.08 adopted by the board of public welfare on November 10, 1949 are hereby repealed.

PW-CY 40.13 Revision of forms. Forms prescribed by the department as required by law are set forth in the appendix and may subsequently be revised by the department in conformance with the standards and regulations.

PW-CY 40.20 Revocation of licenses, permits or certifications. (1)
DEFINITIONS. As used in these rules, "license" means any license, permit, certification or other grant of authority issued and subject to suspension or revocation by the state department of public welfare; "department" means the state department of public welfare; "hearing" includes a joint hearing by the department and any other administrative agency; "revocation or suspension" of licenses includes refusal to renew the same.

(2) **HOW PROCEEDINGS INITIATED.** Proceedings to revoke or suspend licenses may be initiated in one of 2 ways:

(a) On a verified complaint by an individual or an officer required by law to enforce the law in question, filed in triplicate (original and 2 copies) with the department;

(b) By the department on its own motion, whenever its investigation discloses probable grounds for action. The director of the division for children and youth may act for the department in initiating proceedings under this subsection.

(3) **STYLE OF PLEADINGS.** All pleadings, notices, orders and other papers filed in such proceedings shall be captioned "Before the Wisconsin State Department of Public Welfare" and shall be entitled "In the Matter of the Revocation or Suspension of the _____ (license, permit, or certification) of _____, Respondent." The party whose license is involved shall be known and designated as the "Respondent."

(4) **COMPLAINT ON DEPARTMENT'S INVESTIGATION.** If the complaint is founded upon an investigation made by the department, it shall be incorporated in the notice of hearing and statement of issues as prescribed by (7).

(5) **FORM OF CAUSES.** If the alleged cause is a continuing one, its general nature and the approximate time covered shall be stated in the complaint or notice of hearing; if a specific incident is relied on, it shall be alleged with such particularity as to time, place and circumstances as may be necessary to enable the respondent to prepare his defense; and in either case the cause may be alleged in the language of the statute or rule claimed to be involved, and shall conclude: "contrary to sec. _____ of the statutes" or "contrary to rule _____" of the rules and regulations of the department governing _____, or both. Separate causes shall be stated in separate paragraphs and numbered consecutively.

(6) **PROCEDURE UPON FILING OF COMPLAINT.** Upon the filing of a complaint as prescribed by (2) (a), the director of the division for children and youth shall cause an investigation to be made of the matters alleged to determine whether there is probable cause for action and if he determines that there is such probable cause he shall order a hearing as prescribed by (7) and also notify the complainant thereof. If he determines that no further action is warranted he shall notify the complainant, who may appeal in writing to the director of the state department of public welfare, who shall review the files of the director of the division for children and youth and may affirm his decision, order further investigation or order a hearing on the charges. Provided, that in any case where a hearing has been ordered, the respondent has no standing to attack the determination of the

director of the division for children and youth or the director of the state department of public welfare in ordering such hearing, but shall be required to plead to the merits.

(7) NOTICE OF HEARING AND STATEMENT OF ISSUES. Notices of hearing shall be addressed to the respondent or respondents at his last known post-office address, shall include the statement of issues and shall be in substantially the following form:

(a) If on complaint filed as provided in (2) (a), such complaint shall be attached to the following notice:

"To _____ (name)
_____ St.
_____, Wis.
Respondent

"Please take notice that a hearing will be held on the _____ day of _____, 19____, at room No. _____ (or other proper designation) of the _____ Building (or other proper designa-

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(b) Together with other adults working with the children, have a physical examination prior to licensing and annually thereafter or more frequently if indicated, with the objective of determining their capacity to provide satisfactory care.

(c) Comply with the applicable state and local fire, safety, and sanitary regulations and meet approved standards of housekeeping.

(d) Have adequate room for indoor recreation and outdoor play space.

(2) **THE AGENCY.** The agency shall assign to the group and receiving home a worker whose responsibility it shall be to coordinate all home-agency relations, both counselling and administrative.

History: Cr. Register, April, 1957, No. 16, eff. 5-1-57.

PW-CY 40.70 Definitions. (1) **DAY CAMPING** means an experience in group living in a natural environment. It is a creative, educational experience in cooperative group living in the out-of-doors; carried on during the day time under the supervision of trained leaders. It utilizes resources of the natural surroundings to contribute significantly to mental, physical, social and spiritual growth.

(2) **DEPARTMENT** means the Wisconsin State Department of Public Welfare.

(3) **DIVISION** means the Wisconsin State Division for Children and Youth.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.71 License. (1) **LICENSE REQUIREMENTS.** Day Camps providing group care for 4 or more children under 7 years of age and operating for compensation and/or consideration for services must be licensed.

(2) **LICENSE PROCEDURES.** (a) A non-transferable license shall be secured annually from the department, upon appropriate application and compliance with the rules and standards.

(b) Each license shall bear the name of the camp, name of the person licensed, and a description of the premises.

(c) The number of children specified on the license is the maximum number to be received or to be cared for at one time.

(d) There is no fee charged for the license.

(3) **LICENSING EXEMPTIONS.** No license is required for a person or persons who provide: (a) Camping experience for children at the child's own home and/or in homes of relatives or guardians.

(b) Camping experience conducted by public and parochial schools.

(c) Camping given to children on church premises while their parents are attending religious services.

(4) **APPLICATION FOR LICENSE.** An application for a license which shall be made in writing to the department shall include: (a) A statement from the state laboratory of hygiene or certified laboratory indicating that the water source has been tested and found to be safe.

(b) A statement of the purpose of the day camp.

(c) A description of the program and activities designed to carry out the purposes.

(d) A general description of the camp area and its general geographical location.

(e) A completed application form.

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(5) RENEWAL OF LICENSE. Application for a renewal of license shall be made: (a) Each year in writing to the department on specified forms.

(b) Whenever there is a change in the conditions described on the last license issued.

(6) EVALUATION. (a) A representative of the department shall visit and study each day camp before the initial licensing and each subsequent renewal. The representative shall submit to the department a written evaluation indicating whether the required standards have been met. He may visit at any time to assure continued compliance.

(b) Each camp shall have the continued supervision and consultation of the department and shall submit required reports.

(c) The department at its discretion shall have the authority to make exceptions to any rule or standard, when it is assured that the granting of such an exception will not be detrimental to the children attending the camp.

(7) PROVISIONAL LICENSES. A provisional license may be issued and renewed in periods up to two years to any camp whose services are needed, but is temporarily unable to conform to all established minimum requirements.

(8) REVOCATION OF LICENSE. (a) The right to operate is dependent upon continued compliance with the required rules and standards.

(b) The license may be revoked by the department in accordance with section 48.71 (1) and (2), Wis. Stats., and with section PW-CY 40.02 dealing with license procedures.

(9) APPEAL PROCEDURE. (a) Any person aggrieved by the department's refusal or failure to issue or renew a license, or by its revocation of a license, has the right to an administrative hearing provided for contested cases in chapter 227, Wis. Stats.

(b) Judicial review of the department's decision may be had as provided in chapter 227, Wis. Stats.

(10) ALLEGED VIOLATIONS. (a) Whenever the department has reason to believe that any person is violating any of the provisions of sections 48.60, 48.62, or 48.65 Wis. Stats., it shall make an investigation to determine the facts and prosecute under section 48.76, Wis. Stats. if indicated.

(b) The department may either revoke the license and/or institute prosecution.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.72 Personnel standards. (1) ALL PERSONNEL. (a) *Required standards.* 1. The camp staff shall be adequate for the maintenance of the camp, for the care, protection, and education of the campers, and for business administration. There shall be a ratio of at least one counselor to every 8 children younger than 7 years of age. (This ratio is exclusive of administrative staff, junior counselors, or counselors-in-training. Administrative staff is defined as those staff members whose main responsibility involves other than direct program relationships with campers, i.e. directors, office staff, maintenance staff, cooks, dietitian, nurse.)

2. All members of the program staff shall possess the following minimum qualifications: Emotional maturity; good health and vital-

ity; enjoyment of outdoor living; liking for children and the ability to understand the needs of campers; placing the needs of the campers and the camp ahead of personal desires; ability to work as a member of a group; interest in contributing to the achievement of the objectives in the camp; good moral character and integrity; particular skills and abilities for the specific responsibilities they are to carry; must be a high school graduate or a mature person qualified by camping experience.

(b) *Recommended standards.* 1. The camp should have carefully prepared written job descriptions for all types of positions, to be used in hiring and supervising staff.

2. The camp should utilize the best known techniques for the selection of staff members, such as application blanks, personal interviews and references.

3. The camp should have written personnel policies covering such matters as remuneration, time off, illness, job descriptions, relationships, evaluations, conditions for re-employment, personal conduct, etc.

4. All staff members who receive salaries or wages should receive a letter or written contract stating specifically the conditions of their employment.

5. There should be sufficient continuity in the total staff from year to year to give stability and cohesion to the program.

6. There should be procedures through which staff members may readily express themselves on matters of camp policies and regulations, including those that affect themselves.

7. Two years of college or the equivalent in experience significant for camping is desirable for the program staff member and especially for the camp director.

(2) **CAMP DIRECTOR.** (a) *Required standards.* The camp director shall have, in addition to the qualification under "2, All Personnel," the following:

1. Education and experience. At least 2 years staff leadership experience in organized camping as well as background in administration and working with groups.

2. Personal qualifications. The director must be at least 21 years of age, possess maturity of judgment, show initiative and resourcefulness, and demonstrate supervisory and administrative ability. In the absence of this person, there shall be a qualified substitute.

(3) **STAFF TRAINING.** (a) *Required standards.* 1. There shall be a pre-camp training program for a minimum of 3 days or 15 hours.

2. There shall be in-service training throughout the season, such as staff meetings, conferences, etc.

(b) *Recommended standard.* Two days or 10 hours of pre-camp training should be spent on the camp site.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.73 Program standards. (1) **PROGRAM.** (a) *Required standards.* 1. The program shall be appropriate for the ages, abilities, and interests of the children attending the camp.

2. There shall be planned rest periods during the camp day for all children, and such shall be appropriate to the age of the child.

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The rest period shall be one hour or longer for all children under 5 years of age, if camp is in session for more than 4 hours.

(b) *Recommended standards.* 1. The camp program should afford an opportunity for the campers to participate in a creative outdoor group experience in a democratic setting, and should provide for the development of each individual.

2. The camp should develop objectives in the following areas:

a. Outdoor living.

b. Fun and adventure.

c. Social adjustment—for example: The development of independence and reliability, ability to get along with others, and values in group living.

d. An understanding of individuals and groups of varied backgrounds.

e. Improvement of health.

f. Skills and appreciation, particularly as related to the out-of-doors.

g. Spiritual values.

3. The program should be so planned, administered and supervised as to lead to the achievement of the general objectives of camping and the special objectives of the particular camp. These objectives should be stated in writing. Essentially the program should be related to the central theme of living together in a natural environment and learning to enjoy the out-of-doors.

4. Within the general framework of the program, there should be opportunity for cooperative planning for activities by campers and camp staff and an opportunity for some choice of activities by individual campers.

5. The program should include occasional parent participation activities and other techniques to strengthen family relationships and parent understanding of the children's needs.

6. Camps designed to offer a general program in camping should include a variety of situations in which the camper will have an opportunity:

a. To acquire a feeling of competence and to enjoy himself in the natural outdoor setting through camp skills and other activities common to camp life.

b. To participate in group projects, special events and ceremonies, and social activities.

c. To share in the care of and improvement of the camp.

d. To increase his knowledge and appreciation of the world in which he lives.

e. To learn his relationship to his environment through such media as nature crafts, using native materials, etc.

f. To participate in minor preparation of meals whenever and wherever conditions permit.

g. For spiritual responses to camping experiences.

7. There should be continuity in this camp experience over a period of not less than 2 weeks. Camp should be operated at least 3 days per week, preferably 5, during the camp period.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.74 Site, facilities and equipment standards. (1) CAMP.
(a) *Required standards.* 1. The camp shall have on file, from the Register, October, 1961. No. 70

proper authorities, current written verification of the safety of water, sanitation, and buildings.

2. The site shall provide natural resources that will make possible an outdoor living experience.

3. Adequate provision shall be made for shelter of campers during inclement weather.

(b) *Recommended standards.* 1. The camp site should provide a maximum degree of privacy and wherever possible be isolated from densely populated and undesirable areas. It should be free from unnecessary hazards and be properly drained. It should be located within a reasonable distance from the campers' homes depending upon the transportation available.

2. There should be sufficient equipment and facilities, kept in safe operating condition, to carry out stated objectives and program.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.75 Administration standards. (1) RECORDS AND REPORTS.

(a) *Required standards.* 1. All published statements such as brochures, publicity, etc. shall be accurate and complete.

2. The camp shall have the following records readily available: a. Budget, financial statement, and menus (if food is served).

b. All permits required by local and state authorities.

c. Written consent of parents for campers' attendance and participation in activities.

d. Statement of insurance coverage. Provision shall be made for all legally required insurance.

(b) *Recommended standard.* The camp license should be displayed or readily available at all times.

(2) CHILDREN'S RECORDS. (a) *Required standards.* Current information shall be maintained on each child attending the camp and shall include: 1. Name, birth date, full names of both parents or guardian.

2. Home address of parents, work addresses, and telephone number of parents.

3. Name, address and telephone number of person to be notified in case of emergency, when parents cannot be reached.

4. Name, address, and telephone number of physician caring for the child.

5. Written consent of parent to contact family or camp physician in case of emergency.

6. Record of all physical examinations, first aid, and any other matters relating to the child's health.

7. Date child enters and leaves the camp.

8. Record of daily attendance of each child.

(b) *Recommended standard.* Other records of the individual camper, as deemed desirable by the camp administration, may be maintained during the camp period or season.

(3) PERSONNEL RECORDS. (a) *Required standards.* 1. There shall be maintained a record for each employee, which shall include name and address, age, training, education, experience, and other qualifications.

2. Report of physical examination at time of employment and subsequent annual examinations.

3. Persons to be notified in the event of an emergency.

4. Personnel forms and character references on all staff members shall be made available upon request.

(4) PERSONNEL PRACTICES. (a) *Recommended standards.* 1. A periodic written evaluation of each employee by his supervisor is desirable.

2. There should be a written statement on file at the camp of personnel practices and policies, which should include hours of work, vacation, sick leave, leave of absence, and salary schedules. In addition, there should be channels for complaints and suggestions.

(5) STATISTICS. (a) *Required standard.* Camps shall submit the statistical report required by the department.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.76 Health standards. (1) STATE AND LOCAL REGULATIONS. (a) *Required standard.* Written health policy. Every day camp shall have a written plan indicating specific policies and procedures that will insure health protection for all. This written plan shall be consistent with state and local health regulations.

(2) CHILDREN. (a) *Required standard.* A recent medical statement shall be required from a family physician (or clinic) to show that the child is in good health and physically able to participate in the camp activities.

(b) *Recommended standards.* 1. Preventive inoculations recommended by public health authorities should be similarly recommended by the camp before opening.

2. There should be a written statement from the parent as to the camper's health since his camp physical examination and assurance that the camper has not since been exposed to contagious diseases.

3. There should be a quiet resting place.

(3) STAFF. (a) *Required standards.* 1. All paid and volunteer members upon beginning work, and annually thereafter, shall submit evidence of: a. A physician's statement based on examination stating they are free from illness which might be detrimental to the child's welfare.

b. A chest X-ray or a negative PPD showing freedom from active tuberculosis.

c. Evidence of small pox vaccination within the last 5 years.

2. Food service staff shall have certificates required to comply with local and state public health requirements.

(b) *Recommended standard.* All staff members should have fundamental knowledge of health and emergency procedures.

(4) INSPECTIONS AND FIRST AID. (a) *Required standards.* 1. There shall be a definite system of daily health supervision of the campers, including such times when campers are away from camp on out-of-camp activities. Health inspections shall be made by a person capable of recognizing common signs of communicable disease or other evidences of ill health.

2. A registered nurse, licensed physician, or a person holding a current American Red Cross Certificate in advanced first aid shall be available to this group. Arrangements shall be made with a nearby licensed physician to serve the camp if one is not in residence.

3. There shall be first aid equipment, as recommended by the American Red Cross, readily available and a designated first aid area, including a quiet resting place, in all units.

4. Transportation shall be immediately available at all times for use in case of emergency.

5. There shall be ready access to a telephone and a list of emergency telephone numbers posted.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.77 Food standards. (1) **NUTRITION.** (a) *Required standards.* 1. In menu planning, proper nutrition standards shall be observed. Children shall have the type and amount of food suited to their growth needs and activity. If the camp day includes both a morning and afternoon program, a mid-morning and mid-afternoon snack shall be available to supplement the noon meal.

2. Milk used for drinking shall be pasteurized Grade A according to state regulations and provided by an accredited source. Perishable foods including milk and milk products, meat, fish, poultry, shell fish, eggs, gravies, poultry stuffing, salad and other mixtures containing any of the above foods shall be kept at a temperature of not over 50 degrees Fahrenheit.

3. All food storage, preparation and service space and equipment shall be maintained clean and free from dirt and insects.

(b) *Recommended standard.* The noon meal, whether provided by camp or parents, should include a serving of protein food, vegetables, whole grain or enriched bread, and a simple dessert. The camp should furnish parents with suggestions and check for adequacy and safety measures if children bring lunches from home.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.78 Sanitation standards. (1) **STATE AND LOCAL REGULATIONS.** (a) *Required standards.* 1. All camps shall comply with state, county, and local sanitation laws.

2. If the camp does not operate under a permit which includes approval of the water supply, a special written approval of the water supply shall be obtained each year. The water supply shall be of adequate volume and safe, sanitary quality, and should be tested regularly during the camp season.

3. Swimming pools and waterfront areas shall be located, constructed, equipped and operated in compliance with applicable laws.

4. Dishwashing procedures and care of equipment shall comply with state, local, and county sanitation laws. In the absence of such laws, dishes and utensils shall be sterilized by scalding or chemicals, or disposable dishes used.

5. Liquid wastes shall be disposed of by facilities constructed and operated as required by and at locations approved by supervising health authorities.

6. Garbage and rubbish cans shall be watertight, fly-proof, emptied and cleaned at least every 2 days. Garbage and rubbish shall be hauled away from the camp for disposal. If disposal is within the camp (site), it shall be by burial under six inches of well tamped dirt. The surroundings of stored garbage and rubbish containers will be maintained clean and dry.

(b) *Recommended standard.* There should be a plan for control of insects, rodents, and poisonous weeds.

(2) HYGIENE. (a) *Required standard.* Adequate handwashing facilities shall be provided in proximity to toilets, privies, and urinals.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.79 Safety standards.

Note: Safety factors are fundamental considerations in the conduct of any camp and should be considered in all preceding topics. Natural hazards to safety, such as cliffs, swamps, mine shafts, dead trees, etc. should be structurally eliminated or reduced to a minimum before the camp is occupied. Every day camp should carry on a continuous program of safety education for its campers and staff.

(1) WATERFRONT SAFETY. (a) *Required standards.* 1. The person actively in charge of the waterfront shall be at least 21 years of age and shall have a current water safety instructor's certificate from the American Red Cross or an organization having equivalent standards. (If public facilities are used, the camp shall have written verification from proper authorities of the adequacy of personnel practices and equipment used.)

2. Practices and equipment for waterfront areas shall comply with applicable state laws and shall comply with Wis. Adm. Code, chapter H 75.05 (6). (a) A system of checking persons in and out of the water must be used.

(b) The buddy plan, which provides for the division of the group of persons into pairs so that every person has a partner while in the water, must be enforced.

(c) Life saving equipment that is adequate for the type of swimming, boating, and canoeing areas used must be provided, must be kept in perfect order at all times, and must be so placed as to be immediately available. One good life saving boat with proper equipment must be on hand at all times.

(d) A first aid kit must be on hand at the waterfront, and must be equipped and ready for immediate use.

(e) Swimming regulations must be posted on the waterfront, and must be obeyed by all, including guests.

Note: It is recommended that the following regulations be included: 1. Swim during swimming periods only.

2. Do not enter the water until the signal is given by the waterfront director.

3. Always swim with another person.

4. Stay in assigned swimming area.

5. Dive only in water of known and approved depth.

6. Remain out of the water when chilled or tired.

7. No guest shall be allowed in swimming until he has presented a health certificate.

Swimming pools shall be protected by a fence, and its entrance gate kept locked except during periods when the swimming director is on duty.

3. Practices and equipment for boating, canoeing, sailing and other watercraft shall comply with applicable laws. In the absence of such laws, the Standards of American Red Cross are acceptable.

(2) SAFETY PRECAUTIONS. (a) *Required standards.* 1. Riffery and archery are not to be included in the camp program. If included for older children added precaution for protection of children under 7 shall be provided.

2. Two or more counselors shall accompany groups leaving the immediate camp site.

3. Safety rules governing the use of tools and power tools shall be studied and observed, and such tools shall be used only under qualified supervision.

(3) FIRE PROTECTION. (a) *Required standards.* The director of the camp shall be responsible for the regular inspection of all fire protection facilities and equipment, such as: 1. Containers for gasoline, kerosene, explosives, and flammable materials shall be plainly marked and stored in a locked building not occupied by campers or staff and at a safe distance from the program buildings.

2. All camps shall provide adequate lengths of hose for fire fighting, if water under pressure is available.

3. Fire extinguishers and other suitable fire fighting equipment shall be placed at strategic and easily accessible points.

4. Fireplaces and chimneys shall be properly built and inspected annually, prior to the opening of camp.

5. Before camp opens, arrangements shall be made with the nearest public officials for protection in case of fire. Any permits required for operation of incinerators or for open fires shall be secured.

(b) *Recommended standard.* Emergency procedures for fire drills, civil defense drills or any natural disaster should be planned and practiced.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.80 Transportation standards. (Where transportation is used in connection with a day camp, the following standards shall be observed.) (1) **EQUIPMENT AND SAFETY.** (a) *Required standards.* 1. All transportation equipment is maintained in safe operating condition and meets all safety tests required by the laws of the state and the ordinances of the municipality in which the day camp operates.

2. Every day camp shall carry on a continuous program of transportation safety education for its staff and campers. (Day camp operators should realize that they carry a responsibility to their campers over and above the technical requirements of the state laws or municipal ordinances.)

(2) **DRIVERS.** (a) *Required standards.* 1. Each driver of a camp vehicle shall meet the driving requirements of the state concerning the specific vehicle which he operates.

2. Each driver shall be selected for dependability, good habits, and unquestionable good character.

3. Each driver shall be free from communicable disease, strong enough to handle the transportation unit he drives, have normal use of his body, both hands, both feet, both eyes, and both ears.

4. Each driver shall be at least 21 years of age and have at least one-year's experience as a driver.

(b) *Recommended standard.* Every day camp should train its own drivers in all needed safety procedures.

(3) **INSURANCE.** (a) *Required standards.* A day camp operating its own transportation unit shall carry liability insurance as follows: 1. For a unit carrying not more than 18 campers: Minimum limits of \$50,000 for injury to any one person; \$100,000 in any one accident.

2. For a unit carrying more than 18 campers: Minimum limits of \$100,000 for injury to any one person; \$300,000 in any one accident.

(4) **SAFETY.** (a) *Required standards.* 1. The number of campers in transportation units shall not exceed the seating capacity of such units.

2. Each transportation unit shall carry adequate first aid equipment.

3. The camp shall provide supervision in transportation units. In a vehicle which carries more than 10 campers, there should be at least one adult in addition to the driver.

4. Where a day camp charters transportation units, the owners of such vehicles shall be required to produce evidence that they meet the transportation standards herein required of day camps.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

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